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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re patent application of: Aulombard et al.

Serial No.: 10/030,600

Group Art Unit: 1127

Filing Date: April 1, 2002

Examiner: Rebecca L. Anderson

Title: Preparation of 2-(2-Arylmorpholin-2-yl)  
Ethanol Derivatives and Intermediates

CERTIFICATE UNDER 37 C.F.R. 1.8(a)

I hereby certify that this correspondence is being  
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Alexandria, VA 22313-1450

Signature

Date

*John H. H. H.*  
7/28/03

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

RESPONSE TO OFFICE ACTION

This is in response to the Office Action mailed on June 11, 2003 by the United States Patent and Trademark Office setting a one-month period for response which was set to expire on July 11, 2003. The shortened statutory period for response is hereby extended by one month to August 11, 2003 pursuant to the Petition for Extension of Time Under 37 C.F.R. §1.136(a) which is submitted herewith.

Claims 1-34 are currently pending in the application.

Restriction has been required under 35 U.S.C. §121 as follows:

- Group I: claims 17, 18 and 31 drawn to the product of the formula (I)
- Group II: claims 1 and 16 drawn to a process for the preparation of the compound of the formula (I)
- Group III: claims 2 and 16 drawn to another process for the preparation of the compound of the formula (I)
- Group IV: claims 3 and 16 drawn to another process for the preparation of the compound of the formula (I)

- Group V: claims 4, 5 and 16 drawn to another process for the preparation of the compound of the formula (I)
- Group VI: claims 6, 7, 16 and 32 drawn to another process for the preparation of the compound of the formula (I)
- Group VII: claims 8, 9, 10 and 16 drawn to another process for the preparation of the compound of the formula (I)
- Group VIII: claims 11, 12 and 16 drawn to another process for the preparation of the compound of the formula (I)
- Group IX: claims 13, 15 and 16 drawn to another process for the preparation of the compound of the formula (I)
- Group X: claims 14, 16, 33 and 34 drawn to another process for the preparation of the compound of the formula (I)
- Group XI: claims 19 and 31 drawn to the product of the formula (II)
- Group XII: claims 20 and 31 drawn to the product of the formula (IV)
- Group XIII: claims 21, 22 and 31 drawn to the product of the formula (V)
- Group XIV: claims 23, 24 and 31 drawn to the product of the formula (VI)
- Group XV: claims 25 and 31 drawn to the product of the formula (VII)
- Group XVI: claims 26, 28 and 31 drawn to the product of the formula (XIII)
- Group XVII: claims 27, 28 and 31 drawn to the product of the formula (XIV)
- Group XVIII: claims 29 and 31 drawn to the product of the formula (XIX)
- Group XIX: claims 30 and 31 drawn to the product of the formula (XX).

The Examiner has also stated that:

Since the claims do not relate to a single general inventive concept under PCT Rule 13.1 and lack the same or corresponding special feature, the claims lack unity of invention and should be limited to only a product and a process for the manufacture of the said product.

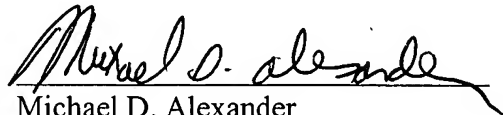
Applicants hereby elect with traverse the subject matter of Group I, claims 17-18 and 31 drawn to products of the formula (I) and Group II, claims 1 and 16, drawn to a process for the manufacture of the products of formula (I).

The restriction requirement with respect to Groups III-X (claims 2-15 and 32-34) is traversed and reconsideration and modification thereof are requested for the following reasons. Initially, applicants would point out that claims 2-15 and 32-34 depend either directly or indirectly from claim 1. Accordingly, as claim 1 generically covers the subject matter of claims

2-15 and 32-34, a complete examination of elected claim 1 would necessarily have to include an examination of the subject matter embraced by claims 2-15 and 32-34. Thus, applicants submit that the subject matter of Groups III-X (claims 2-15 and 32-34) should be included as part of the elected process of Group II.

Respectfully submitted,

Date July 28, 2003

  
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